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May 9, 2014

Arlene S. Zwilling
Assistant County Attorney
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York 11788

**Re: Franqui, et al. v. County of Suffolk et al.,
CV-13-5943**

Dear Ms. Zwilling,

This letter is to memorialize our conversation from our meeting at your office regarding the production of documents in response to Franqui's First Request for the Production of Documents.

As discussed, we are seeking the production of all documents created that relate to events which precede and follow the arrest of Jack Franqui on January 23, 2013, including the entire Homicide Bureau file, and documents which have been included in, or relied upon, by the Internal Affairs Bureau in their investigation of this matter. We do recognize that documents created by the Internal Affairs Bureau, such as their findings and opinions, will only be produced when they have concluded their report.

We are seeking the production of all documents which relate to the events in this case, as well as all communications from and between the Suffolk County Police Department, the New York State Department of Corrections, the Suffolk County Office of the Medical Examiner, and the Suffolk County District Attorney's Office. As per our conversation, you indicated that you will be reaching out to the Suffolk County District Attorney's Office regarding the production of their file on this matter. Please let us know whether you contacted the DA's Office and what their response to your request was. In the event they will not voluntarily comply with production requests, we prepared a so-ordered subpoena to compel their compliance.

Enclosed, please find an Authorization to Unseal Records, executed by Jack Franqui III, Administrator of the Estate of Jack Franqui IV.

We are also seeking the production of the 911 call referred to in the Use of Force Summary signed by Lt. Alexander Crawford. You had indicated that recently-enacted County

laws prohibit the release of 911 calls absent a court order. Therefore, we prepared a so-ordered subpoena for the production of that 911 call.

We discussed visiting the Suffolk County Office of the Medical Examiner to examine the documents in its possession related to this case, and specifically to review and copy photographs as well as to inspect the physical property belonging to Jack Franqui, such as his clothing. You indicated that was a reasonable request. We would like to arrange a mutually convenient time to do so in May so that we have the requested information and documents prior to next depositions.

We also discussed viewing and photographing the Suffolk County Police Department Seventh Precinct, specifically the holding cell area. All photos taken will be used solely for the purpose of prosecuting this action, and will be returned upon the completion of this litigation. You also indicated that that was a reasonable request, and we would like to arrange a mutually convenient time to do so in May, prior to the next depositions.

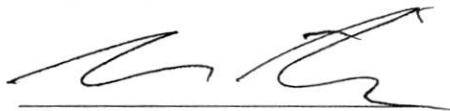
Please sign and return the Stipulation and Order of Confidentiality which we had provided to you, or submit another document to us for our review.

I would like to submit a letter to the court requesting a consolidated discovery scheduling order for *Franqui* and *Earl*. Would you consent to using the current scheduling order on *Franqui*, DE 6, on both cases?

Lastly, you had informed us that you would inquire as to the Suffolk County Police Department's abilities to perform keyword searches through its electronic databases. Please inform us as to the status of that inquiry.

Please contact our office with any questions or concerns regarding these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mirel Fisch', with a horizontal line drawn underneath it.

Mirel Fisch, Esq.
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